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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,293	10/06/2004	Anders Helmner	77191.21900	6475
30734 7590 10/31/2007 BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER GREENHUT, CHARLES N	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,293	HELMNER, ANDERS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles N. Greenhut	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5,21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,21 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/6/04</u>   | 6) <input type="checkbox"/> Other: _____                          |

**I Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the articulation of claim 24 must be shown or the feature(s) canceled from the claim(s) (See [0155]). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**II Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 5, 21, and 23-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - 1.1. With respect to claim(s) 1 line 18 and claim 21 line 21, the phrase "in the conveying direction a conveyor belt" requires grammatical correction.
  - 1.2. With respect to claim(s) 1 line 21 and claim 21 line 23, it is unclear what "its" refers to.
  - 1.3. With respect to claim(s) 1 line 21 and claim 21 line 24 it is unclear if the phrase, "a second conveyor organ, a conveyor belt" is intended to mean that the second conveyor organ is a conveyor belt.
  - 1.4. With respect to claim(s) 23 line 2 it is unclear if the Applicant's intent is to recite a sliding element and a wheel or that the sliding element is a wheel.
  - 1.5. With respect to claim(s) 24 line 1-2 it is unclear what is meant by the phrase, "wherein said external conveyor organ an outrigger is linked"
  - 1.6. With respect to claim(s) 24 line 3, it is unclear what "an articulation" refers to.

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- 1.7. With respect to claim(s) 24, line 3, it is unclear what "there" refers to.
- 1.8. With respect to claim(s) 24, line 4, it is unclear what is meant by the phrase, "against a sliding rail"
- 1.9. With respect to claim(s) 26, applicant defines the intermediate conveyor as comprising first and second organs which convey in transverse and longitudinal directions of the plane, respectively. Subsequent reference to "the conveying direction of the intermediate conveyor" is therefore unclear since the conveyor has more than one conveying direction.
- 1.10. With respect to claim(s) 27, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

### **III Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1, 5, 21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over THOGERSEN (WO 01/51356 A) in view of HELMNER (DE 42 38 095 A1).

*NOTE: For convenience, references to THORGERSEN will be made to US 7,033,125 B2 and references to HELMNER will be made to Applicant's own discussion of that reference on page 3 of the specification.*

- 1.1. With respect to claim(s) 1, 5 and 21, THOGERSEN discloses external conveyor (7), connecting to cargo hold (52) opening (51), intermediate conveyor (8) comprising a first organ (the sections 30 that are between external conveyor organ (7) and guide (55) – Fig. 11) that is modifiable in length in the conveying direction transverse to the plane (e.g., by varying position of guide 55 by moving bridge 50 (Col. 7 Li. 46-47)), and comprises a belt (32), at the end of the first organ (at 56/57) a second organ (the sections 30 that are between guide (56/57) and end (31) – Fig. 11) that is modifiable in length in the longitudinal direction (by extending section (8) cf. 10-11), comprising a belt (32), the second organ mounted slidably (via flexible coupling Col. 6 Li. 26-30) relative to the first, including a wheel (44) in overlap with the external conveyor organ (Fig. 7). THOGERSEN fails to teach a transport means covering an area of the floor of the cargo hold. A transport carpet covering the floor of a cargo hold is well-known in the art as discussed in Applicant's disclosure (Pg 3 Li 26 et seq.). It would have been obvious to one having ordinary skill in the art to use the THORGERSEN system with a plane having the well-known transport carpet of HELMNER in order to facilitate loading and unloading those planes.

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- 1.2. With respect to claim(s) 24, as best understood by Examiner, the structure Applicant is intending to recite is taught by Figure 14 of THOGERSEN.
- 1.3. With respect to claim(s) 25-28, THOGERSEN additionally discloses an end (31) of the intermediate conveyor means adjustable in height, by pivoting about an axis transverse to the conveying direction -30-30 degrees with the angle of inclination of the external organ (7) (cf. fig 16-17)
- 1.4. With respect to claim(s) 29, THORGERSEN fails to disclose aluminum or fiber composites. THORGERSEN specifies plastic for some components but does not provide detail with regard to the material of all components. Aluminum and fiber composites are well-known in the art. It would have been obvious to one having ordinary skill in the art to employ these well-known materials to obtain the predictable results of having a high strength to weight ratio, often desirable in the aircraft industry.

#### **IV Response to Applicant's Arguments**

Applicant's arguments entered 8/20/07 have been fully considered.

1. Applicant has, by amendment, overcome some of the rejections under 35 USC 112 2<sup>nd</sup> paragraph previously set forth, however, some issues have not been addressed and new issues are raised by the present amendment as discussed above.
2. Applicant has, by amendment, overcome the rejections under 35 USC 102 over SHAW previously set forth. Upon further consideration, however, a new grounds for rejection is presented above.

#### **V Conclusion**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 6:30am - 3:00pm EST.

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3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached at (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



SAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER